REMARKS

Claims 1- 85 stand rejected. Claims 14 and 83-85 have been amended to correct minor clerical errors and not for reasons related to patentability. Reconsideration of the application in view of the remarks set forth below is respectfully requested.

Rejections under 35 U.S.C. § 112

The Examiner rejected claims 14-20 and 83-85 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner stated:

> As per claim 14, line1, claim 14 can't depend on itself. Clarification is required.
>
> As per claims 83-85, line 1, "the method for correcting errors detected in a memory sub-system, as set forth in claim 76" is unclear. Claim 76 is claimed the method for dynamically scheduling access to a memory sub-system. Correction is required.

Applicants have amended claim 14 to be dependent upon claim 1. Applicants respectfully submit that claim 14, as amended, as well as claims 15-20 which are dependent thereon, complies with 35 U.S.C. § 112, second paragraph. Further, the preamble of claims 83-85 has been amended to recite a "method for dynamically scheduling access to a memory sub-system," as set forth in independent claim 76. Applicants submit that claims 83-85, as amended, complies with 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejections under 35 U.S.C. § 112, second paragraph.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-85 under 35 U.S.C. § 103(a) as being unpatentable over Santeler et al. (U.S. Pat. No. 6,223,301) in view of Arnold et al. (U.S. Pat. No. 6,279,128).

Applicants respectfully submit that the Santeler et al. reference does not qualify as prior art against the above-referenced application under 35 U.S.C. § 103. In accordance with 35 U.S.C. § 103(c) and Pub.L. 106-113, § 4807 enacted November 29, 1999, subject developed by another person which qualifies as prior art only under subsection (e) of 35 U.S.C. § 102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, the Santeler et al. reference and the claimed invention were, at the time the invention was made, owned by the present assignee (Compaq Computer Corporation) or subject to an obligation of assignment to the present assignee. Since the present application was filed after November 29, 1999 and since the Santeler et al. reference did not issue until after the filing date of the present application, it is clear that the Santeler et al. reference does not qualify as prior art under 35 U.S.C. § 102(e)/103(c).

Without the Santeler et al. reference, the Examiner's rejection under 35 U.S.C. § 103 ais moot, since it is clear that none of the art of record and available as prior art either alone or in combination, discloses or suggests all of the elements recited in the present claims. Accordingly, Applicants respectfully request withdrawal of the Examiner's rejection and allowance of claims 1-85.

Conclusion

In view of the remarks and amendments set forth above, Applicants believe the claims to be patentable over the art of record and respectfully request allowance of claims 1-85. If the Examiner believes that a telephonic interview will help speed this application towards issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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